

1 TITLE-~~23~~ 23.1.

2 EDUCATIONAL INSTITUTIONS.

3 SUBTITLE I.

4 GENERAL PROVISIONS.

5 CHAPTER 1.

6 DEFINITIONS AND GENERAL PROVISIONS.

7 **Drafting note: Proposed Chapter 1 contains separate articles for Definitions and**
8 **General Provisions. Definitions of terms used throughout the title replace chapter-specific**
9 **definitions or have been created for the sake of clarity.**

10 Article 1.

11 Definitions.

12 **Drafting note: Definitions of terms used throughout the title replace chapter-**
13 **specific definitions or have been created for the sake of clarity.**

14 § 23.1-100. Definitions.

15 As used in this title, unless the context requires a different meaning:

16 "Comprehensive community college" means a two-year institution of higher education
17 governed by the Board that offers instruction in one or more of the following fields:

18 1. Freshman and sophomore courses in arts and sciences acceptable for transfer to
19 baccalaureate degree programs;

20 2. Diversified technical curricula, including programs leading to the associate degree;

21 3. Career and technical education leading directly to employment;

22 4. Courses in general and continuing education for adults in the fields set out in
23 subdivisions 1, 2, and 3; or

24 5. Noncredit training and retraining courses and programs of varying lengths to meet the
25 needs of business and industry in the Commonwealth.

26 "Council" means the State Council of Higher Education for Virginia.

27 "Educational institution" includes each public institution of higher education and each
28 entity established pursuant to Subtitle V (§ 23.1-3000 et seq.).

29 "Four-year public institution of higher education" means an institution of higher
30 education in the Commonwealth established by statute that grants bachelor's degrees. "Four-year
31 public institution of higher education" includes Christopher Newport University, George Mason
32 University, James Madison University, Longwood University, the University of Mary
33 Washington, Norfolk State University, Old Dominion University, Radford University, the
34 University of Virginia, Virginia Commonwealth University, Virginia Military Institute, Virginia
35 Polytechnic Institute and State University, Virginia State University, and The College of
36 William and Mary in Virginia.

37 "In-state student" means any student who has established domicile in the
38 Commonwealth pursuant to § 23.1-5xx.

39 "Out-of-state student" means any student who has not established domicile in the
40 Commonwealth pursuant to § 23.1-5xx.

41 "Private institution of higher education" means a degree-granting institution of higher
42 education in the Commonwealth that is established by any entity or individual other than the
43 General Assembly and whose primary purpose is to provide collegiate or graduate education
44 and not to provide religious training or theological education. "Private institution of higher
45 education" includes nonprofit private institutions of higher education and for-profit private
46 institutions of higher education.

47 "Public institution of higher education" includes each two-year and four-year public
48 institution of higher education and the System.

49 "State Board" means the State Board for Community Colleges.

50 "System" means the Virginia Community College System.

51 "Two-year public institution of higher education" means an institution of higher
52 education in the Commonwealth established by statute or by the Board that grants associate

degrees. "Two-year public institution of higher education" includes each comprehensive community college and Richard Bland College.

Drafting note: Definitions for "Board," "comprehensive community college," and "System" are moved from existing Chapter 16. The remaining definitions are proposed for the sake of title-wide clarity.

Article 2.

General Provisions.

Drafting note: General provisions, including existing § 23-9.10:3 on contracts between private institutions of higher education and the Commonwealth or public institutions of higher education, are relocated to proposed Article 2.

§ 23-9.10:3 23.1-101. Authorization for Commonwealth or any political subdivision thereof to contract to furnish or to obtain educational or other related services to or from
Contracts with certain nonprofit private institutions of higher education.

A. For the purposes of this section:

1. "Private college" means a private, nonprofit institution of higher education in the Commonwealth approved to confer degrees pursuant to Chapter 21.1 (§ 23-276.1 et seq.) of this title whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education.

2. "Public college" means any of the institutions of higher education listed in § 23-9.5.

3. "Services", "services" includes but is not limited to a program or course of study offered, or approved for offer, to be offered by a public institution of higher education or nonprofit private college or by a public college institution of higher education; use of professional personnel; use of any real or personal property owned, controlled, or leased for educational or educationally related purposes by such private and public colleges a public institution of higher education or nonprofit private institution of higher education; a study, research, or investigation or the like similar activity by employees or students, or both, of such colleges a public institution of higher education or nonprofit private institution of higher

80 education; or any other activity (i) dealing with scientific, technological, humanistic, or other
81 educational or related subjects, or (ii) providing public service or student service activities.

82 B. The Commonwealth ~~and or~~ any of its political subdivisions may contract to obtain
83 from or furnish to nonprofit private institutions of higher education educational or related
84 services ~~from or to private colleges~~.

85 ~~1. C.~~ No contract for services between nonprofit private colleges on the one hand
86 institutions of higher education and public ~~colleges~~ institutions of higher education or
87 educational agencies of the Commonwealth, including ~~but not limited to~~ the ~~State~~ Board of
88 Education, ~~on the other~~, shall be valid unless approved by the ~~State~~ Council ~~of Higher~~
89 ~~Education~~.

90 ~~2. D.~~ Except as provided in ~~paragraph B 1 subsection C~~, contracts for services between
91 nonprofit private colleges on the one hand institutions of higher education and the
92 Commonwealth or any of its political subdivisions ~~on the other~~ may be entered into in any
93 ~~circumstances where~~ circumstance in which the Commonwealth or its political subdivisions
94 would, by virtue of law, have authority to contract with private contractors for educational or
95 related services and ~~with~~ public institutions of higher education ~~in Virginia~~. ~~C. When contracts~~
96 ~~covered by paragraph B 2 of this section are made by private colleges, such colleges~~ Nonprofit
97 private institutions of higher education shall report ~~the such~~ contracts to the ~~State~~ Council ~~of~~
98 ~~Higher Education for information~~.

99 ~~D. E.~~ The ~~State~~ Council shall provide continuing evaluation of the effectiveness of ~~such~~
100 and make recommendations regarding contracts, ~~whether~~ made ~~under paragraph B 1 or B 2 of~~
101 ~~this section, and shall make recommendations regarding such contracts pursuant to this section~~.

102 ~~E. F.~~ The authority to contract for educational or related services shall include the
103 authority to accept gifts, donations, ~~and or~~ matching funds to facilitate or advance programs.

104 ~~F. G.~~ Unless an ~~appropriations~~ appropriation act specifically provides otherwise, all
105 appropriations shall be construed to authorize contracts with nonprofit private colleges

106 institutions of higher education for the provision of educational or related services ~~which that~~
107 may be the subject of or included in the appropriation.

108 H. Nothing in this ~~chapter section~~ shall be construed to restrict or prohibit the use of any
109 federal, state, or local funds made available under any federal, state, or local appropriation or
110 grant.

111 ~~G. The provisions of this section shall be severable, and if any of its provisions shall be~~
112 ~~held unconstitutional by a court of competent jurisdiction, the decision of such court shall not~~
113 ~~affect or impair any of the remaining provisions.~~

114 **Drafting note: Technical changes are made, including the incorporation of title-**
115 **wide definitions. Subsection G was stricken per c. 709 of the 2015 Acts of Assembly.**

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